

Message Text

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ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CEQ-02 NSC-10 CIAE-00 COME-00

DODE-00 EB-11 FMC-04 INR-10 NSAE-00 RSC-01 CG-00

COA-02 DLOS-06 EPA-04 SS-20 SCI-06 HEW-08 DOTE-00

INT-08 PM-07 L-03 SPC-03 DRC-01 NEA-10 AF-10 /166 W
----- 048874

R 221447Z OCT 73

FM AMEMBASSY LONDON

TO USMISSION NATO BRUSSELS

INFO SECSTATE WASHDC 4991

USMISSION USUN NEW YORK

AMEMBASSY BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 12254

USMISSION NATO PASS USDEL TO CCMS FOR TRAIN

E.O. 1152: GDS

TAGS: IMCO, PBOR, SENV, ETRN

SUBJECT: IMCO: MARINE POLLUTION CONFERENCE

REFS: (A) STATE 206011; (B) LONDON 12106;

(C) LONDON 12161; (D) LONDON 12226;

(E) LONDON2227; (F) LONDON 12228

1. IN RESPONSE TO REF A, REF B PROVIDES SUMMARY OF
SIGNIFICANT EVENTS AT IMCO CONFERENCE THROUGH L7
OCTOBER. REFS C THROUGH F PROVIDE SUMMARY AND USDEL
ASSESSMENT OF EVENTS 18 AND 19 OCTOBER RE ARTICLE 8.
UPDATE OF OTHER SIGNIFICANT EVENTS FOLLOWS.

2. COMMITTEE I - ARTICLES.

(A) DESPITE INTENSIVE
CONSULTATIONS AND LOBBYING, EVEN ATTENUATED PORT STATE
ENFORCEMENT SCHEME WAS UNACCEPTABLE TO MAJORITY OF
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COMMITTEE, AND WAS DEFEATED 16 (US) - 25 - 10. UK,

USSR, GREECE, FRG, FRANCE, NORWAY, AND ITALY WERE AMONG NATIONS OPPOSING U.S.

(B) ARTICLES 5 AND 6 CONCERNING INSPECTION FOR VIOLATIONS ADOPTED WITH AMENDMENTS GENERALLY WEAKENING OBLIGATIONS TO INVESTIGATE WHILE MAINTAINING RIGHTS TO INVESTIGATE. NATO NATIONS GENERALLY OPPOSED U.S. ON OBLIGATION VERSUS RIGHT ISSUES.

(C) ARTICLE 5 DOES REQUIRE STATE FINDING SHIP IN SUBSTANTIAL NON-COMPLIANCE WITH CONSTRUCTION REQUIREMENTS TO DENY PERMISSION TO LEAVE ITS PORTS, EXCEPT FOR PURPOSE OF PROCEEDING TO REPAIR YARD, UNTIL SHIP CAN PROCEED WITHOUT PRESENTING UNREASONABLE THREAT TO MARINE ENVIRONMENT.

(D) PROVISION IN ARTICLE 5 REQUIRING DENIAL OF PORT ENTRY TO NON-COMPLYING SHIPS OF NON-PARTIES WAS EASILY DEFEATED. HOWEVER, DELEGATION OBTAINED APPROVAL OF FOLLOWING NEW PARAGRAPH WHICH SHOULD IMPOSE SUBSTANTIAL OBLIGATIONS RE NON-CONTRACTING SHIPS: "WITH RESPECT TO THE SHIPS OF NON-CONTRACTING STATES, CONTRACTING STATES SHALL APPLY THE REQUIREMENTS OF THE PRESENT CONVENTION AS MAY BE NECESSARY TO ENSURE THAT THERE IS NO DISCRIMINATION IN FAVOR OF SUCH SHIPS."

(E) NEW PROVISION INSERTED IN ARTICLE 6 ESTABLISHING RIGHT OF COMPENSATION FOR SHIPS UNDULY DELAYED BY ENFORCEMENT MEASURES.

(F) BRIEF ARTICLE 7 ADOPTED, REQUIRING SHIPS TO REPORT POLLUTION INCIDENTS IN ACCORDANCE WITH A NEW ANNEX TO BE DEVELOPED BY ANOTHER COMMITTEE.

(G) NON-CONTROVERSIAL ARTICLES 11, COMMUNICATION OF INFORMATION TO IMCO, AND 12, CASUALTIES TO SHIPS, ADOPTED WITH FEW AMENDMENTS.

(H) LENGTHY DEBATE HELD 20 OCTOBER ON ARTICLE 10, DISPUTE SETTLEMENT. U.S. MADE STRONG STATEMENT RE NEED FOR COMPULSORY SYSTEM AND ADVANTAGES OF ARBITRATION IN CONFIDENTIAL

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PARTICULAR. SOVIETS DID NOT RPT NOT ENTER DEBATE, PURSUANT TO AGREEMENT WITH USDEL THAT THEY WOULD NOT ACTIVELY OPPOSE ARBITRATION IF WE WOULD NOT ACTIVELY OPPOSE DELETION OF ARTICLE ON RESERVATIONS. NEVERTHELESS, ANY FORM OF COMPULSORY DISPUTE SETTLEMENT WAS OPPOSED BY SOME LDC'S (E.G. BRAZIL, INDIA, NIGERIA, INDONESIA) AND PROSPECTS FOR TWO-THIRDS APPROVAL REMAIN UNCERTAIN. FOLLOWING U.S. STATEMENT THAT JURISDICTIONAL

ISSUES NOT COVERED BY VIRTUE ARTICLE 9, CANADA MADE
ONE-SENTENCE STATEMENT SUPPORTING COMPULSORY ARBITRA-
TION.

3. COMMITTEE II - ANNEX I.

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INFO OCT-01 IO-14 ISO-00 DRC-01 CEQ-02 NSC-10 CIAE-00

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 12254

(A) REG 9(3) - EVIDENTIARY RULE NOT ADOPTED.
MAJOR PROBLEM WAS LEGAL IMPLICATIONS.

(B) REG 12 - SPECIAL AREAS ADOPTED FOR MEDITER-
RANEAN, BLACK AND BALTIC SEAS EFFECTIVE 1 JANUARY 1977
OR EIF IF EARLIER. RECEPTION FACILITIES REQUIRED BY
1 JANUARY 1977.

SPECIAL AREAS ADOPTED FOR RED SEA AND PERSIAN
GULF. WHEN SUFFICIENT CONTRACTING STATES NOTIFY IMCO
OF MEASURES TAKEN THEN IMCO WILL SET EFFECTIVE DATE.

(C) REG 15 - U.S. POSITION RE AUTOMATIC MONITOR-
ING AND CONTROL ACCEPTED.

(D) REG 16 - U.S. POSITION RE STRICT MONITORING CONTROLS CARRIED EXCEPT FOR 4000 GRT SIZE LIMIT FOR NEW SHIPS. DRAFT TEXT FIGURE OF 10000 GRT FOR ALL SHIPS MAINTAINED.

(E) REG 24 - DATE OF 1972 FOR APPLICATION OF TANK SIZE LIMITATION (AS PER 1971 AMENDMENTS) CHANGED TO CONFIDENTIAL

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1974 BY ONE VOTE.

(F) REG 26 - FIXED AND FLOATING PLATFORMS REMAIN IN ANNEX I AS PER COMMITTEE I DECISION. PLATFORMS TO BE TREATED AS SHIPS 400 GRT WITH MINOR EXCEPTIONS.

(G) REG 27 - NEW U.S. PROPOSAL RE DOUBLE BOTTOMS ON TANKERS LESS THAN 70000 DWT DEFEATED 21 - 5. COMMITTEE NOT SYMPATHETIC TO DOUBLE BOTTOM CONCEPT AT THIS TIME.

(H) - OTHER REGULATIONS ANNEX I ACCEPTED IN PRINCIPLE WITH U.S. POSITIONS.

4. COMMITTEE III - ANNEX II AND ANNEX III.

COMMITTEE III COMPLETED CONSIDERATION OF ANNEX II AND ANNEX III. ADOPTED VERSION CARRIES OUT U.S. OBJECTIVES.

5. IF TRAIN WISHES TO COMMENT ON CONFERENCE DURING CCMS MEETINGS, USDEL RECOMMENDS HE EMPHASIZE MAJOR ACHIEVEMENTS OF TECHNICAL COMMITTEES, PARTICULARLY MANDATORY SEGREGATED BALLAST FOR OIL TANKERS OVER 70,000 DWT AND ADOPTION OF SINGLE DEFINITION OF OIL, WHILE EXPRESSING U.S. DISAPPOINTMENT OVER VOTES ON ENFORCEMENT ISSUES, PARTICULARLY PORT STATE. IN CONNECTION WITH SEGREGATED BALLAST REQUIREMENT, TRAIN MAY WISH TO POINT OUT THAT 1976-80 EFFECTIVE DATES FOR DEFINITION OF NEW SHIP, WHILE IMPROVEMENT OVER FIFTH DRAFT, DO NOT FULLY MEET "1975 IF POSSIBLE" DEADLINE IN CCMS RESOLUTION.

6. IN THIS CONTEXT, USDEL RECOMMENDS THAT TRAIN MAKE MAJOR EFFORT TO CONVINCE OTHER REPS OF THREAT TO CONFERENCE IN NEW ARTICLE 8, AS OUTLINED REFS C THROUGH F, AND OF CONSEQUENT NECESSITY TO DELETE ARTICLE 8 IN FINAL PLENARY. DELETION SHOULD BE SUPPORTED IRRESPECTIVE OF THE VIEWS OF DELEGATIONS ON THE MERITS OF THE ISSUES INVOLVED. FINALLY, ALTHOUGH AMENDMENTS ARTICLE NOT YET REACHED, TRAIN MAY WISH TO REAFFIRM U.S. SUPPORT FOR PROPOSED MARINE ENVIRONMENT PROTECTION COMMITTEE.

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